

AMENDED IN SENATE APRIL 16, 2008

AMENDED IN SENATE APRIL 1, 2008

SENATE BILL

No. 1686

Introduced by Senator Denham
(Coauthor: Senator Romero)

February 22, 2008

An act to amend Section 18660 of the Elections Code relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1686, as amended, Denham. Improper signature-gathering tactics.

Under existing law, a person who makes a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended thereto is punishable by fine, imprisonment, or both fine and imprisonment.

This bill would make it a crime for a person, company, organization, company official, or other organizational officer in charge of a person who circulates an initiative, referendum, or recall petition to knowingly direct or permit the person to make a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended thereto. ~~The bill would provide that this additional prohibition would not apply to a petition for a statewide initiative, referendum, or recall~~

Because the bill would create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18660 of the Elections Code is amended
2 to read:
3 18660. (a) A person who makes a false affidavit concerning
4 an initiative, referendum, or recall petition or the signatures
5 appended thereto is punishable by a fine not exceeding five
6 thousand dollars (\$5,000), or by imprisonment in the state prison
7 for 16 months or two or three years or in a county jail not exceeding
8 one year, or by both the fine and imprisonment.
9 (b) A person, company, organization, company official, or other
10 organizational officer in charge of a person who circulates an
11 initiative, referendum, or recall petition who knowingly directs or
12 permits the person to make a false affidavit concerning an initiative,
13 referendum, or recall petition or the signatures appended thereto
14 is punishable by a fine not exceeding five thousand dollars
15 (\$5,000), or by imprisonment in the state prison for 16 months or
16 two or three years or in a county jail not exceeding one year, or
17 by both the fine and imprisonment. ~~This subdivision shall not apply~~
18 ~~to a petition for a statewide initiative, referendum, or recall.~~
19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.